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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,989	12/06/2001	Raymond Walden Bennett III	SBC 0110 PA	1221

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EXAMINER

RAMAKRISHNAIAH, MELUR

ART UNIT

PAPER NUMBER

2643

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/017,989	Applicant(s) BENNETT ET AL.	
	Examiner Melur Ramakrishnaiah	Art Unit 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11, 12, 18, 19 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11, 12, 18-19, 21-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3-12-2002</u> . | 6) <input type="checkbox"/> Other: _____ |

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 11-12, 18-19, 21-23 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 9 of U.S. Patent No. 6,370,233. Although the conflicting claims are not identical, they are not patentably distinct from each other because for example, claim 21 of the present application is an obvious variation of claim 1 of U.S. Patent No. 6,370,233. Similarly claim 22 of the present application is an obvious variation of claim 9 of U.S. Patent No. 6,370,233.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. For example claim 23 recites the following: allowing a caller to

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ring through to a telephone set if user presence is detected by generating a distinctive call waiting signal to denote which user is being called. In the context of claimed element, it does not make sense to generate a distinctive call waiting signal because claims element also says "allowing the caller to ring through to a telephone if a user presence is detected".

In rejecting claim 23, it is assumed that telephone will perform distinctive ringing.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Humphries et al. (US PAT: 5,621,662, hereinafter Humphries) in view of Kilby (US PAT: 3,793,487).

Regarding claim 11, Humphries discloses the following: placing the security controller in night mode to generate security controller state (fig. 14A, col. 13 line, 53 – col. 14, line 24), communicating the security controller state to the call management controller (20, fig. 3) to place it in night privacy state (col. 6 lines 38-45, col. 7, col. 8 lines 48-54).

Humphries differs from the claimed invention in that he does not teach the following: in response to an incoming phone call, prompting the incoming caller to leave message or ring through for an emergency, transferring the caller to a voice mail box

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unless the call is emergency call, and allowing the caller to ring through to a telephone set if the call is an emergency.

However, Kilby discloses system for screening calls which teaches the following: in response to an incoming phone call, prompting the incoming caller to leave message or ring through for an emergency, transferring the caller to a voice mail box unless the call is emergency call, and allowing the caller to ring through to a telephone set if the call is an emergency (abstract and col. 11 lines 4-8).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Humphries' system to provide for the following: in response to an incoming phone call, prompting the incoming caller to leave message or ring through for an emergency, transferring the caller to a voice mail box unless the call is emergency call, and allowing the caller to ring through to a telephone set if the call is an emergency as this arrangement would facilitate to meet users' personal needs for receiving the telephone calls while user does not wish to be disturbed as taught by Kilby .

3. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Humphries in view of Kilby as applied to claim 11 above, and further in view of Smith (US PAT: 5,166,972).

The combination differs from claim 12 in that it does not teach the following: distinctively ringing the phone to denote emergency.

However, Smith discloses Group emergency call system which teaches the following: distinctively ringing the phone to denote emergency (col. 3 lines 30-38).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Humphries' system to provide for the following: distinctively ringing the phone to denote emergency as this arrangement would facilitate to discriminate between normal calls to their homes and an emergency call as taught by Smith.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 21, 22 are rejected under 35 U.S.C 102(b) as being anticipated by Meier et al. (US PAT: 5,596,633, hereinafter Meier).

Regarding claim 21, Meier discloses a security system with call management functionality coupled to a telephone network for providing at least one telephone service, the telephone network having at least one telephone line, the security system comprising: a call management controller (reads on 5, fig. 1) coupled to the telephone network for enabling, disabling or modifying the telephone service (figs. 1-2, col. 2, line 28- col. 3, line 31, col. 4 lines 6-9), a security system having a security controller (reads on 23, fig. 1) coupled to the call management controller, the security controller coupled to plurality of sensors (for example 29, fig. 1) for providing home security function (col. 4 lines 10-25), wherein the telephone service comprises at least one night mode privacy,

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automated attendant, follow me service, voice mail delivery (col. 3 lines 20-31, col. 4 lines 6-21).

Regarding claim 22, Meier discloses a method of providing call management functionality for a security system coupled to a telephone network, the security system including, a call management controller and security controller, the method comprising: providing at least one of telephone service wherein the telephone service comprises at least one of night mode privacy, automated attendant, follow me service, voice mail delivery, etc (figs. 1-2, col. 3 lines 20-31, lines 49-54, col. 4 lines 6-9).

6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meier in view of Dean et al. (US PAT: 5,901,211, hereinafter Dean).

Meier differs from claim 18 in that he does not teach the following: monitoring at least two locations to determine user location based upon the user identity, and transferring a caller to the user location.

However, Dean discloses system and method for automatically transferring calls or allowing access which teaches the following: monitoring at least two locations (for example in the hotel room or outside the hotel room) to determine user location based upon the user identity, and transferring a caller to the user location (col. 2 lines 54-58).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Meier's system to provide for the following: monitoring at least two locations to determine user location based upon the user identity, and transferring a caller to the user location as this arrangement would enable the user to

receive calls wherever he is located between two locations as taught by Dean, thus enhancing user convenience.

7. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meier in view of Borg et al. (US PAT: 4,578,540).

Regarding claim 19, Meier does not teach the following: step of providing service includes providing kid control, further comprising the step of restricting outbound calls based on user identity.

However, Borg discloses telecommunication systems which teaches the following: step of providing service includes providing call control, further comprising the step of restricting outbound calls based on user identity (col. 2, lines 19-29).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Meier's system to provide for the following: step of providing service includes providing kid control, further comprising the step of restricting outbound calls based on user identity as this arrangement would provide a system to prevent misuse of telephone system by users as taught by Borg, thus exercising control over telephone usage.

8. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meier in view of Eisdorfer et al. (US PAT: 5,724,411, hereinafter Eisdorfer).

Regarding claim 23, Meier teaches the following: associating a phone line (19, fig. 1) to correspond to the user identity, determining user presence based upon the user identity allowing the caller to ring through to a telephone set if user presence is detected, transferring the caller to a voice mail box that corresponds to the user identity

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if the user presence is not detected (col. 2, line 39-col. 3, line 17); but he does not teach the following: generating distinctive call waiting signal to denote which user is being is called.

However, Eisdorfer discloses the following: distinctive ringing signal to denote which user is being is called (col. Lines 43-48).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Meier's system to provide for the following: distinctive ringing signal to denote which user is being is called as this would provide means for alerting the particular recipient to receive the call as taught by Eisdorfer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Melur Ramakrishnaiah
Primary Examiner
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